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THE HONORABLE BRIAN D. LYNCH  
Chapter 7

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U.S. BANKRUPTCY COURT  
W.D. OF WASHINGTON

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In RE:	)	Bankruptcy No. 10-45608-BDL
SUSAN FAYES DONES,	)	Adversary No. 10-04338-BDL
Debtor	)	
	)	
KIM MARIE WOOLHOUSE,	)	Bankruptcy No. 10-45609-BDL
Debtor	)	
	)	
NXIVM CORPORATION, a Delaware	)	
Corporation	)	
Plaintiff,	)	<b>DECLARATION OF NON-PARTY</b>
v.	)	<b>JOSEPH J. O'HARA</b>
SUSAN FAYE DONES,	)	
KIM MARIE WOOLHOUSE	)	
Defendants	)	
	)	

I, Joseph J. O'Hara, do hereby declare and affirm as follows:

1. I am over the age of twenty-one (21) and, unless otherwise noted, I make the statements that are set forth in this Declaration based upon information that is in my possession and facts that are known to me personally. If called upon, I can and will competently testify to all of those statements.
2. Since I cannot afford to hire an attorney to represent me in this matter – and since I have been unable to identify any attorney who will represent me on a *Pro Bono* basis because of the well-known litigious nature of the Plaintiff, NXIVM Corporation (“NXIVM”) in this matter – I am filing this

Declaration on a *Pro Se* basis. In this regard, I ask the Court's indulgence with respect to any procedural flaws in this filing.

3. On September 9, 2011, I was contacted by Susan Faye Dones ("Ms. Dones"), one of the Defendants in the above-referenced cases – and asked (a) whether I had ever voluntarily turned over any e-mails from my Joe@JJOHaraGroup.com e-mail account to NXIVM or a representative of NXIVM; and (b) whether NXIVM had ever subpoenaed any emails from that account. When I inquired as to why she was asking me those questions, she explained that she had just received copies of several e-mails from that account from NXIVM's attorneys – and that NXIVM planned to utilize some/all of those e-mails in her upcoming trial.
4. Upon reviewing copies of the e-mails in question, I concluded that several of them must have been obtained illegally. This is because, upon information and belief, I have never provided NXIVM or a representative of NXIVM with copies of any of any e-mails that I ever sent from – or received at – that e-mail account. Nor, insofar as I know, has NXIVM has never obtained copies of any e-mails from that account via a properly issued subpoena.
5. Having previously served as a consultant to NXIVM for a period of approximately fifteen (15) months, I am personally aware that NXIVM has previously employed illegal tactics in order to obtain information in conjunction with other lawsuits in which it was a party. In addition, I am also aware that NXIVM has previously been utilized external and internal IT experts in order to access information and records that it would otherwise not have been able to access.
6. Based on its past practices, I believe that it is entirely possible that NXIVM has illegally obtained copies of some/all of the e-mails that were sent to – and/or from – the Joe@JJOHaraGroup.com e-mail account. In this regard, I believe that the Court should require NXIVM – and its attorneys – to provide a detailed and verified explanation as to how they obtained all of the above-referenced e-mails. Should NXIVM and/or its attorneys be unable or unwilling to provide a suitable explanation as to how each of those e-mails was obtained, then I believe that the Court should do the following:
  - (a) Deny NXIVM the right to use any of the e-mails in question in the upcoming trials of Ms. Dones and her partner, Kim Woolhouse;

- (b) Enter a finding of contempt against NXIVM – and all of its attorneys who are involved in this matter;
  - (c) Impose sanctions on NXIVM – and all of its attorneys who are involved in this matter;
  - (d) Revoke the *Pro Hac Vice* admissions of Stephen R. Coffey, Robert D. Crockett, Pamela A. Nichols, and Richard H. Weiskopf with respect to this matter; and
  - (e) Refer this matter to the Federal Bureau of Investigation and/or the Office of the United States Prosecuting Attorney in Seattle, WA and/or in Albany, NY.
7. I am willing to provide sworn testimony in the upcoming trial if the Court will allow me to do that via telephone or live stream video.

Joseph J. O'Hara

Joseph J. O'Hara

September 13, 2011

Date

**CERTIFICATE OF SERVICE**

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Joseph J. O'Hara

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Date